

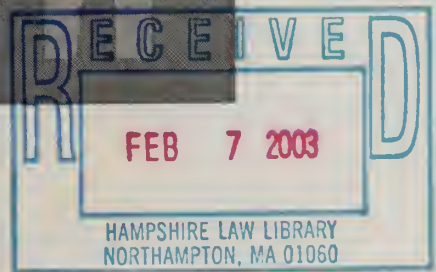
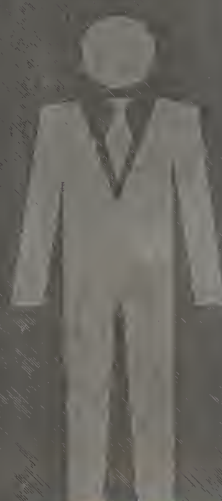
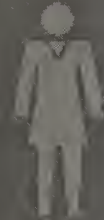
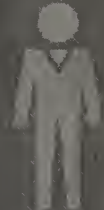
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# STAYING HEALTHY

**A Guide to Keeping  
Health Insurance  
After Divorce**

**Office of  
Attorney General  
Tom Reilly  
and  
Health Law Advocates**

November 2002



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## A Message from Attorney General Tom Reilly



Going through a divorce can be a disruptive and troubling experience. The end of a marriage will mean changes in many areas of one's everyday life. One of the questions that inevitably will come up is what happens to health coverage after divorce.

My office has worked with Health Law Advocates on this issue and I am pleased to provide you with this guide to help you understand your health insurance rights after a divorce or legal separation.

The Office of the Attorney General plays an important role in enforcing insurance laws that protect Massachusetts consumers. Through the Insurance Hotline, the staff of the Attorney General's Office can help answer questions you have about the laws described in this guide. The Hotline (888-830-6277) is open Monday through Friday, from 9:00 a.m. to 5:00 p.m.

I encourage you to read this guide and learn more about the laws that protect your health insurance rights.

Sincerely,

A handwritten signature in black ink that reads "Tom Reilly".

Tom Reilly

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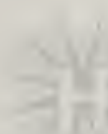
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**Health Law Advocates** (HLA) is the public interest law firm of Health Care For All, which is working to create a health care system responsive to the needs of all people. HLA provides free legal representation to income-eligible consumers in Massachusetts who are seeking access to health care. HLA's Divorce Judgment and Health Insurance Project focuses on eliminating the barriers to health insurance after divorce and separation.

**HealthLawAdvocates**  
Fighting for Health Care Justice

# 57812865





**health insurance is very important** to your physical and financial wellbeing. The cost of even one hospital visit can be devastating when you have no health insurance. Federal and state laws protect your right to health insurance after a divorce. This guide explains your rights and the actions you should take to stay insured when you get divorced.

Many of the rights described in this guide also apply when you and your spouse are **LEGALLY SEPARATED**.<sup>Ⓢ</sup>

Ⓢ FOR CAPITALIZED TERMS IN BLUE, SEE GLOSSARY ON PAGES 16-17

The information in this guide may not apply in all circumstances. If you are unsure if this information applies to you, or you want assistance with your case, you should contact a lawyer.

**seek help  
from a lawyer**  
**Use the Legal  
Resources on page 21**

### **Where can I learn more about my health insurance rights?**

If you believe your health insurance rights after a divorce have been violated or you want more information about your rights, contact:

<b>Attorney General's Insurance Hotline</b>	<b>888-830-6277</b>
<b>Health Law Advocates</b>	<b>617-338-5241 or 800-272-4232 x 2980</b>
<b>Mass. Division of Insurance</b>	<b>617-521-7777 413-785-5526</b>
<b>U.S. Dept. of Labor/PWBA (COBRA only)</b>	<b>(617) 565-9600</b>









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# Health Insurance After Divorce- Questions And Answers

## What are my health insurance options when I get a divorce?

Your options depend to a large extent on the type of health coverage you have before your divorce. In some cases, you may have more than one option. Different options provide different rights, which affect how long you will be covered and how much the coverage will cost. Think about your options and take steps to get the coverage you want and need.


## If you are enrolled in group health insurance through your job . . .

Divorce will not affect your participation in a **GROUP HEALTH PLAN** through your job. But your ex-spouse may have the right to continue coverage under your plan, as described in this guide.

## If you are eligible for coverage under your spouse's group health plan . . .


In a divorce case, a judge of the **PROBATE AND FAMILY COURT** must consider whether one spouse has health insurance that can be extended to cover the other spouse. If you are already covered by your spouse's group health plan, the judge will usually require your spouse to keep you on the plan while your divorce case is proceeding through court. If you need to, you can get a temporary order from the judge requiring your spouse to maintain this coverage.

Once your divorce is **FINAL**, in most cases you have the right to continue coverage under your ex-spouse's group plan. The Probate and Family Court judge can order your spouse to add you to the group plan if you are not enrolled but are eligible for coverage.

 **HELPFUL HINT:** Before your divorce is final, compare the benefits and costs of the health insurance options available to you. Be prepared to explain to the Probate and Family Court judge the type and cost of the coverage that you want.



# insured or self-insured?



Self-insured companies usually hire an insurance company or HMO to process claims, so having an insurance company ID card does not mean your group plan is insured.

See page 6 for how to find out if a plan is self-insured

Under the Massachusetts law, an *insurance company* or HMO cannot charge a higher **PREMIUM** for your family coverage than it charged before the divorce. But your ex-spouse's *employer* does not have to keep contributing to *your* part of the health insurance premium. So make sure your **divorce judgment** makes clear whether you or your ex-spouse is responsible for the premiums.

## If your spouse works for a private employer . . .

To figure out your rights to continued coverage under your ex-spouse's group health plan, you must answer the question: Is the plan **INSURED** or **SELF-INSURED**?

With an insured group plan, the employer pays premiums to an insurance company or HMO, which accepts the financial risk of paying claims for benefits. When a plan is self-insured, the employer has the financial risk for paying employees' claims. *Insured plans must follow Massachusetts insurance laws; self-insured plans are exempt.*

## If your spouse's group health plan is insured . . .

Massachusetts insurance laws allow you to continue coverage on your ex-spouse's group plan *as if no divorce took place*, until you or your former spouse remarries, for as long as your ex-spouse is eligible for the group plan. (SEE PAGE 5 FOR YOUR RIGHTS UPON REMARRIAGE.)

Your right to the Massachusetts law option is affected by your **DIVORCE JUDGMENT** or **JUDGMENT OF SEPARATE SUPPORT**. Make sure you understand your health insurance options before you appear in front of the Probate and Family Court judge for a **FINAL** judgment. You can write language in a **SEPARATION AGREEMENT** or a **PROPOSED JUDGMENT** requiring your spouse to continue health coverage for you after the divorce. You must have this language approved by the judge.





## If your spouse's group health plan is self-insured . . .

A federal law called **COBRA** allows divorced spouses of employees of most private employers (with 20 or more employees) to continue group coverage. (Government employers and most church organizations are exempt from COBRA.) Coverage lasts for up to 36 months from the date the divorce is final. The group health plan is allowed to charge the full individual premium plus 2 percent.

COBRA also applies to many group plans that are insured. In these cases, you have the right to continue coverage under both COBRA and the Massachusetts law.

If your spouse worked for a small employer in Massachusetts (with 2 to 19 employees), a state law called "mini-COBRA" gives you rights similar to COBRA.

You may also have COBRA rights if you and your spouse are **LEGALLY SEPARATED**. Some **SELF-INSURED** plans define "legal separation" very broadly, so be sure to confirm your right to continue coverage under your spouse's plan after you separate but before you divorce.

Figuring out your health insurance rights can be difficult. If you have trouble getting answers on your own, **seek help from a lawyer**. You can also call the Attorney General's Insurance Hotline (888-830-6277) or the U.S. Department of Labor (617-565-9600; COBRA questions only) for help.

If you elect COBRA, keep track of when your 36 months of coverage will end, so you will be prepared to get other insurance.

*See Steps Before Divorce on page 6*

*Use the Legal Resources on page 21*



### **If your spouse works for a government employer . . .**

You have the right to continue health coverage under your ex-spouse's group plan after divorce. If your spouse is a Massachusetts state, county or municipal employee or retiree, you have the rights under Massachusetts insurance laws *described on page 2 of this guide*. However, if your spouse works for a federal government agency, you generally have more limited rights, which are similar to COBRA.

For more information on your benefits as the former spouse of a state employee or retiree, contact the Group Insurance Commission (GIC) at 617-727-2310 or [www.state.ma.us/gic](http://www.state.ma.us/gic)

For more information about health benefits as the divorced spouse of a federal employee, contact the particular agency's personnel office or visit the Federal Employees Health Benefits Program (FEHBP) web site at [www.opm.gov/insure/health/former\\_spouse/index.htm](http://www.opm.gov/insure/health/former_spouse/index.htm)

### **If you do not have group coverage . . .**

*If you cannot afford nongroup coverage, see Free and Reduced-Cost Programs on pages 14-15*

If you do not have access to group health coverage through your job or your spouse's plan, you can buy **NONGROUP** coverage. The Probate and Family Court judge can order your spouse to pay for a nongroup policy if you request it and the coverage is affordable. Nongroup insurance is available for a premium to any Massachusetts resident who does not have Medicare or MassHealth.

You may also choose nongroup coverage if you do not want to stay on your ex-spouse's group plan because of safety concerns due to abuse or intimidation, or for other reasons.

For more information on nongroup (and **SMALL GROUP** options for self-employed people), contact the Massachusetts Division of Insurance (617-521-7777 or [www.state.ma.us/doi](http://www.state.ma.us/doi)) or call the Attorney General's Insurance Hotline at 888-830-6277



## Will my ex-spouse's remarriage affect my right to continue group coverage under my ex-spouse's plan?

### Under the Massachusetts law . . .

You can stay on your ex-spouse's group plan after he or she remarries, as long as your **DIVORCE JUDGMENT** provides for it. If you want this option, you must make sure to put it in the **SEPARATION AGREEMENT** or **PROPOSED JUDGMENT** you submit to the Probate and Family Court judge for approval. The insurance company or HMO is allowed to charge a higher premium for your coverage after your ex-spouse remarries.

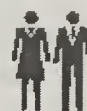
### Under COBRA . . .

Your ex-spouse's remarriage will *not* affect your right to continue coverage under **COBRA**. Also, under COBRA, the health plan cannot charge an extra premium for your coverage because of your ex-spouse's remarriage.

## Will my remarriage affect my right to continue group coverage under my ex-spouse's plan?

Under Massachusetts laws, your right to continue coverage under your ex-spouse's group plan ends when *you* remarry. But if your continued coverage is under COBRA, your remarriage does not affect your right to continue coverage for the 36-month COBRA period.

If your coverage under the Massachusetts law ends because you or your ex-spouse remarries within 36 months of your divorce, you may be able to continue coverage under COBRA for the rest of the 36-month period. You will need to contact the administrator of your ex-spouse's health plan. It is a good idea to let the administrator know when you first get divorced that you want to reserve your right to COBRA.



remarriage

seek  
help from  
a lawyer  
Use the Legal  
Resources on  
page 21





## What steps should I take before my divorce is final to continue group health coverage under my spouse's plan?

### NOTE:

The SPD may explain only your right to continue coverage under COBRA for 36 months. You may also have the right to continue coverage under Massachusetts law for a longer period if the plan is insured.

### Step One:

- Contact the insurance company or HMO, or the human resources office of your spouse's employer, to get more information about the group plan.
- Ask for confirmation, in writing, that your coverage will not be terminated before the divorce is final.
- Ask whether the plan is **INSURED** or **SELF-INSURED**.

### Step Two:

- Request a **SUMMARY PLAN DESCRIPTION** (or **SPD**). The SPD describes your benefits. You have a right to receive the SPD. The SPD should explain whether the plan is insured or self-insured, and if COBRA applies. The SPD must also state the name and address of the person or company that administers the health plan (this is called the **PLAN ADMINISTRATOR**).

### Step Three:

- Read the SPD and any other documents that describe the group coverage. Become familiar with your benefits and your rights under the plan.

**HELPFUL HINT:** Keep notes of conversations you have about your health coverage, including the person's name and phone number and a general description. It's a good idea to send a letter confirming what you discussed. Always keep a copy of all letters.



## What steps should I take after my divorce is final to continue group coverage under my ex-spouse's plan?

### Step One:

- Within 60 days after your divorce is final, you (or your ex-spouse) should contact the **PLAN ADMINISTRATOR**. Inform the Plan Administrator that the divorce is final and that you intend to continue group coverage. Under COBRA, *you must inform the Plan Administrator within 60 days or you will lose your right to continue coverage.*

The Plan Administrator may ask for a copy of the **DIVORCE JUDGMENT** to confirm your right to continued coverage under Massachusetts law. The administrator may also require you to complete certain forms to choose continued coverage after your divorce.

### Step Two:


- Keep in contact with the plan. Always let the Plan Administrator know if your address changes, so you will receive important notices about your coverage. Keep a copy of all notices and your correspondence with plan representatives, including a record of any premium payments that you make.

### Step Three:

- Protect your rights. If your ex-spouse does not comply with the health insurance requirements of your divorce judgment, or if the group health plan cancels your coverage, *seek help from a lawyer.*

**You must  
inform the  
Plan  
Administrator  
of your  
divorce within  
60 days or you  
will lose your  
right to  
continue  
coverage  
under COBRA.**

*Use the Legal  
Resources on  
page 21*

 **HELPFUL HINT:** If you expect to have large medical bills or you want a medical treatment pre-approved, call the Plan Administrator to confirm your benefits. If you must pay for health services when you get them, confirm that reimbursement will be sent to you at your current address.



The Probate and Family Court judge cannot order your ex-spouse's employer to keep contributing to your part of the health insurance premium. But the judge can decide, as between you and your spouse, who will pay for health care costs.

This is why it is so important that your **divorce judgment** addresses who will be responsible for the costs of health coverage.

## Who will pay my health insurance premiums and other health care costs after my divorce?

You and your spouse may specify in a **SEPARATION AGREEMENT** who will pay your health insurance premiums and any health care costs that are not covered by your health plan. If a Probate and Family Court judge approves your separation agreement, these provisions will become part of your **DIVORCE JUDGMENT**.

If you and your ex-spouse do not reach agreement, the judge will decide who pays and how much, and will put this decision in your divorce judgment. You may give the judge suggested health insurance language in a **PROPOSED JUDGMENT**.



See pages 12-13 for a Checklist of things to remember to protect your health insurance after divorce

Who pays for health coverage can affect your responsibility for taxes. If you have concerns about taxes, **seek help from a lawyer**.

*Use the Legal Resources on page 21*



**HELPFUL HINT:** In writing a separation agreement or a proposed judgment, be sure to consider both your current and long-term health insurance needs. You want your final divorce judgment to provide maximum flexibility for future adjustments so you can avoid having to return to court later.





## If I have children, can they get health coverage from their other parent after we get divorced?

The law requires orders for **CHILD SUPPORT** to include health coverage. In most cases, if your children live with you (you are the **CUSTODIAL PARENT**) and you do not have insurance, a **PROBATE AND FAMILY COURT** judge will order the **NON-CUSTODIAL PARENT** to provide health coverage for the children, if it is available "at reasonable cost." In general, health insurance is considered available at reasonable cost if the parent gets it through a job.

## How long can my children stay on the other parent's group health plan?

In general, children can be covered under a parent's plan for as long as they are "dependent." Under most health plans, a child is dependent up to a certain age (say 21). Many plans extend this age if the child is a full-time student. A Probate and Family Court judge can order a parent to provide health insurance for a child up to age 23, if the child lives with a parent and is a financially dependent college student.

After a child is no longer dependent, the child still may have the right to continue coverage for a period of time under **COBRA**.  
(SEE PAGE 3 FOR MORE ABOUT COBRA.)



Even if you and your child's other parent were never married, a judge can order health insurance coverage for the child if the other parent is considered legally responsible (for example, if he has been shown to be the child's natural father).

children

### NOTE:

Many health plans continue coverage for physically or mentally disabled children regardless of age. The Division of Insurance can give you information on plans required to offer this coverage (617-521-7777 or [www.state.ma.us/doi](http://www.state.ma.us/doi)).







*If nongroup is too expensive, see Free and Reduced-Cost Programs on pages 14-15*

# children



See pages 12-13 for a Checklist of things to remember to protect your children's health insurance

## What if my children are not eligible for group health coverage?

If you cannot get group health insurance for your children through your job or the other parent's plan, you can purchase a **NONGROUP** policy to cover them. A Probate and Family Court judge may also order the non-custodial parent to pay for the children's nongroup coverage if it is affordable.

For more information on nongroup insurance, contact the Division of Insurance (617-521-7777 or [www.state.ma.us/doi](http://www.state.ma.us/doi))

## Who will pay the premiums for my children's health insurance and for their health care costs that are not covered by insurance?

You and the other parent may agree on who will pay for the children's health care costs. This agreement is subject to approval by the **PROBATE AND FAMILY COURT** judge, who has the final say about who must provide and pay for the children's coverage. If you and the other parent cannot agree, you may give the judge suggested health insurance language in a **PROPOSED JUDGMENT**.

The judge follows the state **CHILD SUPPORT GUIDELINES** in making a decision about the children's health insurance. In most cases, if you do not have insurance and the other parent does, the judge will require the other parent to put the children on his or her health plan. The Child Support Guidelines allow the judge to require the **CUSTODIAL PARENT** to pay the first \$100 per child per year for *routine* medical and




dental costs that are not covered by insurance (such as co-payments for doctor visits and prescriptions). The judge can make different orders in appropriate cases.

Under the Child Support Guidelines, if the **NON-CUSTODIAL PARENT** has to pay an additional premium to insure the children, a judge may reduce **CHILD SUPPORT** owed by that parent to reflect the extra cost. Similarly, where the custodial parent provides the children's insurance, the judge may increase the amount of child support to reflect the extra cost. In general a judge will *not* adjust child support if the children can be added to existing insurance at no extra cost. A judge may also adjust child support for *non-routine*, uninsured medical expenses (such as braces) that a parent pays.

### **What if the other parent ignores a court order to provide health insurance for our children?**

If you need help enforcing a child support order, including an order for health insurance, you may contact the Child Support Enforcement Division of the Massachusetts Department of Revenue (800-332-2733). Or you can contact a lawyer, using the resources in this guide. You should also get legal help if you need a judge to modify your child support order later because your circumstances have changed.

 **HELPFUL HINT:** Before you sign an agreement with the other parent or get a final judgment from the court, make sure you know who will pay for your children's uninsured health costs and how you will exchange bills for these expenses. Be prepared to discuss the types and anticipated cost of any large, uninsured expenses with the other parent and the Probate and Family Court judge.

In general,  
a judge  
will not  
adjust child  
support if  
children can be  
added to  
existing  
insurance at no  
extra cost.

seek  
help  
from a  
lawyer  
Use the Legal  
Resources on  
page 21



children





# checklist

## I have taken steps to protect my health coverage after divorce:

### Before my divorce is final SEE PAGE 6

- ✓ I have written information about my spouse's group health plan.
- ✓ I know whether my spouse's group plan is *insured* or *self-insured*. SEE PAGES 2-3
- ✓ I understand my benefits and rights under my spouse's plan.
- ✓ I have written confirmation from my spouse's plan that I will be covered until our divorce is final.
- ✓ If I do not have written confirmation, I asked the judge to order my spouse to continue my coverage until our divorce is final.
- ✓ If my spouse does not have group health coverage, I have researched *nongroup* options. SEE PAGE 4
- ✓ My spouse and I agree on how my health insurance will be provided after our divorce and we have written a *separation agreement* to give to the judge.
- ✓ If my spouse and I do not agree on how my health insurance will be provided after our divorce, I have written a *proposed judgment* to give to the judge.

If you have health coverage through **your** job, see page 1

SEE  
OPPOSITE  
PAGE FOR  
ITEMS TO  
INCLUDE



### After my divorce is final SEE PAGE 7

- ✓ I notified my ex-spouse's health plan of our divorce within **60 days** of the final judgment.
- ✓ I confirmed in writing that my ex-spouse's plan will continue my coverage after the divorce.
- ✓ I gave my ex-spouse's plan a copy of the health insurance part of our divorce judgment.
- ✓ I filled out any forms required to continue coverage under my ex-spouse's plan.
- ✓ I received an insurance card and documents explaining my coverage.
- ✓ I gave my ex-spouse's health plan my current address.
- ✓ I will inform my ex-spouse's plan of address and other changes that affect my coverage.

If private health insurance is not available, see *Free and Reduced-Cost Programs* on pages 14-15







## I have included the following in a Separation Agreement or Proposed Judgment:

### For my health insurance

- ✓ How my medical coverage, and dental coverage, if applicable, will be provided after the divorce
  - Through my job-based health plan, or
  - Through my ex-spouse's group health plan, or
  - Under a nongroup health insurance policy, or
  - By other means
- ✓ Whether my health coverage will continue after my ex-spouse remarries SEE PAGE 5
- ✓ Who will pay the premiums for my medical and/or dental coverage
- ✓ How my ex-spouse and I will divide my medical and/or dental expenses that are not covered by insurance

### For my children's health insurance SEE PAGES 9-11

- ✓ How medical coverage, and dental coverage, if available, will be provided for my children after my divorce or separation from their other parent
  - Through my job-based health plan, or
  - Through the other parent's group health plan, or
  - Under a nongroup health insurance policy, or
  - By other means
- ✓ Who will pay the premiums for my children's medical and/or dental coverage
- ✓ How the other parent and I will divide the children's *routine* expenses that are not covered by medical or dental insurance
- ✓ How the other parent and I will divide the children's *non-routine* expenses that are not covered by medical or dental insurance

If a judge approves your *separation agreement* or *proposed judgment*, it will be legally binding on you. **Seek help from a lawyer** to prepare these important documents.

Use the Legal Resources on page 21

# checklist



## **You may qualify for free or reduced-cost health care . . .**

If you cannot afford private health insurance, you may be able to get health care free or at reduced cost through one of the programs below. This is a partial list; for more information about these and other health programs for Massachusetts residents, call:

### **Health Care For All's Health Helpline**

**800-272-4232**

Trained counselors can answer your questions about the health care system, provide information, and refer you to appropriate health care resources.

### **MassHealth**

**888-665-9993**

**TTY: 888-665-9997**

**[www.state.ma.us/dma](http://www.state.ma.us/dma)**

MassHealth is a state-run insurance program. You are eligible if your income is low enough and you meet certain other requirements. Your children may qualify even if you do not. Special rules apply to disabled adults and children.

### **Children's Medical Security Plan (CMSP)**

**800-909-2677**

**[www.cmspkids.com](http://www.cmspkids.com)**

CMSP pays for primary and preventive care for children who cannot get MassHealth. CMSP is free if your income is low enough; otherwise, you pay a small premium.

### **Healthy Start**

**800-531-2229**

Healthy Start helps low-income pregnant women who are uninsured get medical care and other services they need to have a healthy baby.



### **Hospital and Health Center Free Care**

Hospitals and community health centers offer free and reduced-cost care to people without insurance who have low income or very large medical bills. You can apply at the hospital or health center where you get your care. For general information and questions about Free Care, contact the Mass. Division of Health Care Finance and Policy at 617-988-3100 or [www.state.ma.us/dhcfp](http://www.state.ma.us/dhcfp).

**For a list of health centers, call the Mass. League of Community Health Centers at 800-475-8455 or visit [www.massleague.org](http://www.massleague.org)**

### **Medical Security Plan (MSP)**

**800-914-4455**

**[www.detma.org/workers/msp.htm](http://www.detma.org/workers/msp.htm)**

MSP is open to people getting Massachusetts unemployment benefits, whose income is below a specific amount. MSP helps pay COBRA premiums and provides direct coverage.

**For information on drug company programs, contact MassMedLine at 866-633-1617 or**

**[www.massmedline.com](http://www.massmedline.com)**

### **Prescription Drug Assistance**

Prescription drugs are very costly if you do not have insurance. You may be able to get free or reduced-cost drugs from the company that makes them.

If you are 65 or over or disabled, you may qualify for drug coverage through Prescription Advantage.

**For information on Prescription Advantage, call 800-243-4636 or visit [www.800ageinfo.com](http://www.800ageinfo.com)**

**free & reduced-cost programs**





**COBRA** – "Consolidated Omnibus Budget Reconciliation Act of 1985." COBRA requires many employers to offer continued health coverage to divorced and separated spouses and their children.

**CHILD SUPPORT** – Generally, child support is what a non-custodial parent must pay to the custodial parent to support their children. A Probate and Family Court judge may order child support on a temporary basis or as part of a final judgment. Child support orders must include health insurance.

**CHILD SUPPORT GUIDELINES** – These are the rules a Probate and Family Court judge must follow in figuring out how much child support the non-custodial parent must pay.

**CUSTODIAL PARENT** – This is the parent in a divorce or separate support case who is given physical custody of the child and to whom child support is paid.

**DIVORCE JUDGMENT** – A divorce judgment is the Probate and Family Court judge's final decision on how to divide a couple's property and income, and on custody, visitation and support of any children of the marriage.

**FINAL** – When the Probate and Family Court judge issues a divorce judgment (or a judgment of separate support), the divorce does not become final (or "absolute") until 90 days later.

**GROUP HEALTH PLAN** – Individuals with group insurance are covered as part of a group of people. Most job-based health insurance is group coverage.

**INSURED HEALTH PLAN** – An employer has an "insured" plan for its employees when the employer pays premiums to an insurance company or HMO to cover the entire cost of health care for employees and their families.

**JUDGMENT OF SEPARATE SUPPORT** – A Probate and Family Court judge issues a judgment of separate support when a couple has filed an action for separate support. The judge can make the kind of permanent orders allowed in a divorce, such as dividing property, child support, etc., except the spouses are not legally free to remarry. One reason a person might file for separate support is religious objections to divorce.

**LEGALLY SEPARATED** – In Massachusetts, a person can get a judgment of separate support but there is no formal status called "legally separated." Since self-insured group plans define "legally separated" differently, it is important to confirm your right to continue health coverage when you are physically separated from your spouse but not divorced.

**NON-CUSTODIAL PARENT** – This is the parent in a divorce or separate support case who is not given physical custody of the child.







**NONGROUP HEALTH PLAN** – An individual has nongroup health coverage when he or she buys insurance directly from an insurance company or HMO, not as part of a group. Nongroup health plans can cover individuals or families.

**PLAN ADMINISTRATOR** – This is the person or company responsible for managing benefits under a group health plan through an employer. Even with a self-insured group plan, an employer may hire an outside company, such as an HMO, to be the Plan Administrator.

**PREMIUM** – This is the amount that an insurance company or HMO charges (usually by the month) to provide benefits to a person under a health plan.

**PROBATE AND FAMILY COURT** – This is the department of the Massachusetts trial court system that deals with divorces, separate support actions and child support. The Probate and Family Court has 14 divisions, one in each county. Each division has an elected register of probate that runs the registry where case files are maintained. The Court's staff includes judges, registry staff, and probation officers.

**PROPOSED JUDGMENT** – When a couple does not reach agreement on certain issues, each side may propose to the Probate and Family Court judge what should go in the final divorce (or separate support) judgment about those issues. The proposal should be in writing. The judge has the final say whether or not to accept the proposal and include it in the judgment.

**SELF-INSURED HEALTH PLAN** – An employer is "self-insured" when, instead of paying an insurance company or HMO to cover all of its employees health care costs, the employer itself covers these costs. However, a self-insured employer may hire an insurance carrier or HMO to process the claims filed by employees and their family members.

**SEPARATION AGREEMENT** – This is an optional agreement that separating and divorcing couples may reach to divide their property and income, to decide on who will care for the children, etc. The agreement should be in writing. The couple must present the agreement to the Probate and Family Court judge for approval. The judge decides whether to approve the agreement and make it part of the final divorce (or separate support) judgment.

**SMALL GROUP HEALTH PLAN** – In Massachusetts, a small group health plan is one in which there are no more than 50 eligible employees. Self-employed people also qualify for small group insurance.

**SUMMARY PLAN DESCRIPTION (SPD)** – This document explains the health services a group plan will cover. The SPD also describes important legal and financial details of the health plan. Members of most employer group plans have a right to get an SPD.

















## Select Legal Resources

The information in this guide is general and may not apply in all circumstances. For assistance with specific questions, ***seek help from a lawyer***. Only a lawyer can give you legal advice about your particular case. Below are some resources for finding an attorney or getting legal information and assistance.

### Child Support Enforcement Division of the Mass. Department of Revenue

800-332-2733

[www.cse.state.ma.us](http://www.cse.state.ma.us)

For help obtaining or enforcing a child support and medical support order for your children.

### Health Law Advocates

617-338-5241 or 800-272-4232 x 2980

[www.hla-inc.org](http://www.hla-inc.org)

Free legal assistance with questions about health insurance after divorce; income guidelines apply. (Note: Health Law Advocates does *not* provide general legal services for divorce and family law matters.)

### Legal Advocacy & Resource Center

617-742-9179 or 800-342-5297

[www.larcma.org](http://www.larcma.org)

Free legal information and referrals for free legal assistance (if eligible) and to private attorneys.

### Massachusetts Bar Association Lawyer Referral Service

617-654-0400 or 866-627-7577

[www.masslawhelp.org](http://www.masslawhelp.org)

Referrals to attorneys statewide; help with obtaining reduced-fee arrangements.

### National Lawyers Guild

617-227-7008

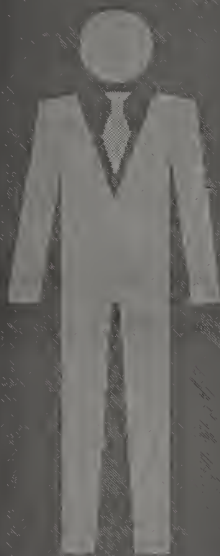
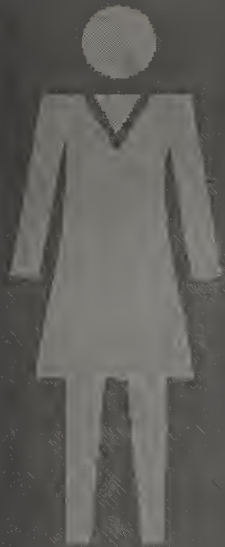
Referrals to attorneys statewide; help with obtaining reduced-fee arrangements.

### "Lawyer for the Day" Programs

Help completing court paperwork and information on court procedures; contact your local Registry of Probate (under County Government listings in phone book "blue pages," or ask at the Probate and Family Court) for availability and schedules.







**Office of the Attorney General  
Insurance Division**

**200 Portland Street • Boston, MA 02114**

**617-727-2200 • Fax: 617-727-1047**

**Insurance Hotline: 888-830-6277**

**[www.ago.state.ma.us](http://www.ago.state.ma.us)**



**Health Law Advocates**

**30 Winter Street, Suite 940 • Boston, MA 02108**

**617-338-5241 • Fax: 617-338-5242**

**[www.hla-inc.org](http://www.hla-inc.org)**



